

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

In re:	§	Chapter 11
Erg Intermediate Holdings, LLC, <i>et al.</i> , ¹	§	
	§	Case No. 15-31858
Debtors.	§	(Jointly Administered)
	§	
	§	Hon. Harlin DeWayne Hale

**MOTION FOR EMERGENCY HEARING ON MOTION OF J-5 EQUESTRIAN LLC
FOR AN ORDER ENFORCING THE AUTOMATIC STAY UNTIL ADJUDICATION OF
THE OWNERSHIP DISPUTE PURSUANT TO SECTION 11 U.S.C. 362**

1. J-5 Equestrian LLC (“J-5”), a Colorado limited liability company, hereby requests, by and through his undersigned counsel, that a hearing to consider the *Motion for an Order Enforcing the Automatic Stay until Adjudication of Ownership Dispute Pursuant to 11 U.S.C. §362* (the “Stay Motion”)² be scheduled no later than Monday, May 18, 2015.

2. As fully articulated in the Stay Motion, J-5 believes that the Florida Court, in denying stay of the Litigation, is adjudicating certain issues that should have been stayed upon the commencement of these Chapter 11 cases. Specifically, the Florida Court is reviewing the pre-petition public auction of certain valuable polo ponies (the “Horses”). Pleadings in this case, along with recently discovered evidence suggests, that the dispute involves two listed creditors,

¹ The Debtors in these cases, along with the last four digits of each Debtor’s federal tax identification number, are ERG Intermediate Holdings, LLC (2521); ERG Resources, L.L.C. (0408); West Cat Canyon, L.L.C. (7377); ERG Interests, LLC (2081); and ERG Operating Company, LLC (7946). ERG Intermediate Holdings, LLC is the direct or indirect parent of each of its affiliated Debtors. The mailing address for each of the Debtors, with the exception of ERG Operating Company, LLC, is 333 Clay Street Suite 4400, Houston, TX 77002. The mailing address for ERG Operating Company, LLC is 4900 California Avenue Suite 300B, Bakersfield, CA 93309. The above addresses are listed solely for the purposes of notices and communications.

² All Capitalized but undefined terms are proscribed the meanings provided in the Stay Motion.

Dr. Andrew Lott, D.V.M. and CTS Properties, Ltd., a Texas, limited partnership (Debtors' parent entity), and it is conceivable, although disputed by movant, that the Horses may have been property of the Debtor immediately prior to the Auction.

3. While the Horses are not property of the Debtors' bankruptcy estate, the Auction may raise various questions related to these Chapter 11 cases. J-5 simply seeks that the proper court adjudicate these issues, rather than face the very real possibility that the issues will be litigated twice, once in Florida and a second time in this Court.

4. The Stay Motion should be heard on an emergency basis, because J-5 moved to stay the Litigation pending in the Florida Court, but the Florida Court denied the motion. Further, the Florida Court has ordered an evidentiary Show Cause hearing for **June 19, 2015** to make a determination as to ownership rights as to the Horses. As this Show Cause hearing could arguably impact property of the estate and further deplete assets of the estate in favor of one creditor or the other, stay is warranted.

5. Furthermore, in order to prepare for the upcoming Show Cause hearing the parties involved in the Litigation must now engage in expensive discovery. Rather than expending needless resources in the Florida Court, whose actions will be void if this Court later determines that Debtor's polo related operations are property of the estate (it being noted that Debtor appears to seek to discharge its polo related debts in this case), or determines that the Horses or claims being brought in the Litigation are property of the estate, J-5 seeks to stay the Litigation to the proper forum as expeditiously as possible.

6. J-5 respectfully requests that the Court enter an order, substantially in the form attached hereto as Exhibit A, scheduling a hearing on the Stay Motion no later than May 18, 2015 and grant J-5 such other and further relief to which it may be entitled.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of May, 2015 the foregoing document was electronically filed with the Clerk of the Court using ECF. I also certify that the foregoing document is being served via eservice and U.S. Mail on this day to all parties on the attached Service List and List of Creditors.

/s/ Logan E. Johnson
Logan E. Johnson

SERVICE LIST

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